

uniform system applicable throughout Canada, Parliament passed a series of acts, some of which dealt with specific offences and others with procedure. Most notable of the latter was the Criminal Procedure Act, but other acts provided for the speedy trial or summary trial of indictable offences, the powers and jurisdiction of justices of the peace in summary conviction matters and otherwise, and the procedure in respect of juvenile offenders.

Codification of the criminal law through a criminal code bill founded on the English draft code of 1878, Stephen's *Digest of criminal law*, Burbidge's *Digest of the Canadian criminal law*, and the relevant Canadian statutes was brought about by the justice minister, Sir John Thompson, in 1892. This bill became the Criminal Code of Canada and came into force on July 1, 1893. It must be remembered, however, that the criminal code was not exhaustive of the criminal law. It was still necessary to refer to English law in certain matters of procedure and it was still possible to prosecute for offences at common law. Moreover, Parliament has declared offences under certain other acts such as the Narcotic Control Act, to be criminal offences.

An examination and study of the criminal code was authorized by order-in-council dated February 3, 1949, and the commission which had been assigned the task of revising the code presented its report with a draft bill in February 1952. After coming before successive sessions of Parliament it was finally enacted on June 15, 1954 and the new criminal code (RSC 1970, c.C-34) came into effect on April 1, 1955. Since then a number of important amendments have been made. These include inter alia, provision for motions for leave to appeal to the Supreme Court of Canada in criminal cases to be heard by a quorum of at least five judges of that court instead of by a single judge; a statutory extension of the definition of obscenity and authorization of the seizure and condemnation of offending material without a charge necessarily being laid against any person; crimes of genocide and public incitement of hatred; offences committed in aircraft in flight over the high seas; procedures relating to the invasion of privacy and interception of communications; the forbidding of publication in a newspaper or broadcast of any evidence tendered at a preliminary inquiry unless and until the accused has been discharged or, if the accused has been committed for trial, the trial has ended; the elimination of the death penalty for all offences except certain ones under the National Defence Act; the modifying of offences relating to gaming and lotteries, drinking and driving, homosexual acts and therapeutic abortion; the reforming of the jail system; offences relating to hijacking and endangering the safety of aircraft; the abolishing of offences of vagrancy and attempted suicide; and conditional discharges for convicted persons.

Human rights

2.3.3

In 1960 (SC 1960, c.44) Parliament enacted what is known as the Canadian Bill of Rights. Although the act sets out further details, its general scope appears in Section 1, as follows: "It is hereby recognized and declared that in Canada there have existed and shall continue to exist without discrimination by reason of race, national origin, colour, religion or sex, the following human rights and fundamental freedoms, namely, (a) the right of the individual to life, liberty, security of the person and enjoyment of property, and the right not to be deprived thereof except by due process of law; (b) the right of the individual to equality before the law and the protection of the law; (c) freedom of religion; (d) freedom of speech; (e) freedom of assembly and association; and (f) freedom of the press."

In 1977, the Canadian Human Rights Act was passed which, within the federal area of legislative competence, outlawed discrimination on grounds of race, national or ethnic origin, colour, religion, age, sex, marital status, conviction for which a pardon has been granted and, with respect to employment, physical handicap in such areas as provision of goods, services, facilities or accommodation, employment, trade union membership, wages, publication of notices and hate messages. Privacy provisions in the act give an individual a right of access to personal information held by government on that individual. The act also established the Canadian Human Rights Commission and a privacy commissioner to administer the rights and obligations in this legislation.